

SENATE BILL No. 108

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-3-12.

Synopsis: Cruelty to animals. Requires a court to consider counseling as part of the sentence imposed on an adult or juvenile who has committed animal cruelty. Permits a court to order the adult or juvenile to receive counseling.

Effective: July 1, 2007.

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January 8, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 108

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-3-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) This section
3 does not apply to a person who euthanizes an injured, a sick, a
4 homeless, or an unwanted domestic animal if:

5 (1) the person is employed by a humane society, an animal control
6 agency, or a governmental entity operating an animal shelter or
7 other animal impounding facility; and

8 (2) the person euthanizes the domestic animal in accordance with
9 guidelines adopted by the humane society, animal control agency,
10 or governmental entity operating the animal shelter or other
11 animal impounding facility.

12 (b) A person who knowingly or intentionally beats a vertebrate
13 animal commits cruelty to an animal, a Class A misdemeanor.
14 However, the offense is a Class D felony if:

15 (1) the person has a previous, unrelated conviction under this
16 section; or

17 (2) the person knowingly or intentionally tortures or mutilates a



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1 vertebrate animal.

2 (c) It is a defense to a prosecution under this section that the
3 accused person:

4 (1) reasonably believes the conduct was necessary to:

5 (A) prevent injury to the accused person or another person;

6 (B) protect the property of the accused person from destruction
7 or substantial damage; or

8 (C) prevent a seriously injured vertebrate animal from
9 prolonged suffering; or

10 (2) engaged in a reasonable and recognized act of training,
11 handling, or disciplining the vertebrate animal.

12 **(d) When a court imposes a sentence or enters a dispositional**
13 **decree under this section, the court:**

14 **(1) shall consider requiring:**

15 **(A) a person convicted of an offense under this section; or**

16 **(B) a juvenile adjudicated a delinquent for committing an**
17 **act that would be a crime under this section if committed**
18 **by an adult;**

19 **to receive psychological, behavioral, or other counseling as a**
20 **part of the sentence or dispositional decree; and**

21 **(2) may order an individual described in subdivision (1) to**
22 **receive psychological, behavioral, or other counseling as a**
23 **part of the sentence or dispositional decree.**

24 **SECTION 2. [EFFECTIVE JULY 1, 2007] IC 35-46-3-12, as**
25 **amended by this act, applies only to:**

26 **(1) offenses; and**

27 **(2) acts that would be a crime if committed by an adult;**
28 **that are committed after June 30, 2007.**

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